

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

DEMETRIUS STUBBINS,

Plaintiff

VS.

CO II JAMES MAY,

Defendant

NO. 5:06-CV-226 (CAR)

PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE

**RECOMMENDATION**

In the case at bar, there has been no service upon defendant CO II JAMES MAY. On December 19, 2007, the undersigned directed plaintiff DEMETRIUS STUBBINS to furnish an address to the court at which defendant MAY could be served. Tab #10. In response to that order, plaintiff STUBBINS has advised the undersigned by letter that he has no other address for this defendant except the one previously provided, to-wit, Rivers State Prison, and that he has no way to ascertain any other address where defendant MAY could be served. Tab #11.

Accordingly, the undersigned has no choice but to RECOMMEND that the above-captioned proceeding be DISMISSED without prejudice.<sup>1</sup> Pursuant to 28 U.S.C. §636(b)(1), plaintiff may file written objections to this RECOMMENDATION with the Clerk of court directed to the district judge assigned to this case, **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this 14<sup>th</sup> day of JANUARY, 2008.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>Plaintiff is cautioned that there is a two-year period of limitations in Section 1983 cases during which lawsuits such as his must be brought. In reviewing his complaint, it appears that this limitations period will most likely run on his complaint against CO II May by March of this year.